

Amendments to the Drawings:

The attached replacement drawing sheets make changes to Figs. 3 and 7 and replace the original sheets with Figs. 3, 4 and 7.

Attachment: Replacement Sheets

REMARKS

Claims 1-4 are pending in this application. By this Amendment, the title and specification are amended, claims 1 and 2 are amended, and Figures 3 and 7 are amended. Support for the amendments is found, for example, in paragraphs [0021]-[0024], [0026] and [0027]. No new matter is added. Applicants respectively request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

The Office Action objects to the title alleging the title is not descriptive. Therefore, Applicants amend the title to even more clearly reflect the claimed structure. Applicants respectively traverse the rejection.

The Office Action objects to Figure 7 for failing to comply with MPEP §608.02(g) and objects to the drawings generally for failing to comply with 37 C.F.R. 1.84(p)(5). Specifically, the Office Action alleges that Figure 7 illustrates only that which is old, feature 24a is described in the description but not identified in the drawings, and features 12, 23 and 34a are identified in the drawings but are not described in the description.

Applicants amend Figure 7 to include a legend identifying it as "Related Art" consistent with the section of the specification in which Figure 7 is discussed. Further, Applicants amend Fig. 3 to properly identify feature 24a and amend paragraph [0027] to properly describe feature 34a. Applicants respectfully point out that feature 12 is described in paragraphs [0018] and [0019] of the description. However, Applicants amend paragraphs [0026] and [0027] of the specification to describe feature 23 and feature 33, the later also not previously described in the specification. Therefore, Applicants respectfully request withdrawal of the objections to the drawings.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over either European Patent Application No. 1,009,638 (EP '638) or U.S. Patent No. 3,973,693 (Brocklehurst). Applicants respectfully traverse this rejection.

Regarding the obviousness rejection in general, rejection of claims 1 and 2 is not supported with a clear and explicit articulation of the reason(s) why the claimed invention allegedly would have been obvious (including a reasonable rationale as to why the references would have been modified) as required in the MPEP §§2141(III) and 2142. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR International Co.v. Teleflex, Inc., 550 U.S. ___, 82 USPQ2d 1985, 1306 (2007). Instead of providing an articulated reasoning with some rational underpinning to support the legal conclusion of obviousness, the Office Action appears to allege a §102 anticipation rejection under the title of a §103 obvious rejection by not stating what modification of the references would be obvious and instead stating the features disclosed in the references that read onto the claimed invention (Office Action page 5). For the purpose of expediting prosecution, the following argument addresses both a §102 and §103 rejection for each of the references cited.

The Office Action alleges the references disclose, in part, a "bottom face region bulged part toward the outside of the container" (Office Action page 5). However, Applicants assert that neither reference disclose this feature.

The EP '638 reference discloses several embodiments, neither of which disclose "a bottom face region formed of a curved surface continuous to said sidewall and bulged toward the outside of said bottle container relative to said sidewall." Figure 6 discloses the bottom of a bottle that has an upper lateral rib 22, peripheral wall 18, right and left side walls 21, lower lateral rib 24 and bottom wall 19 (EP '638 Figure 6). These features do not disclose a "a bottom face region . . . bulged toward the outside of the bottle container relative to said sidewall" because none of these features "bulge toward the outside of the bottle container relative to said sidewall." The upper lateral rib 22 and lower lateral rib 24 recede toward the

inside of the bottle container and therefore do not bulge toward the outside of the bottle container. The peripheral wall 18 and right and left side walls 21 also do not bulge toward the outside of the bottle container relative to the sidewall because these features are sidewalls and therefore cannot bulge beyond themselves.

Specifically referring to Figure 24 of EP '638, except for variations in the shape of the rib and bottom cross section, the upper wall section 91a and lower wall section 91b of the transversal rib 91 form an imaginary triangular cross section with the peripheral wall 88, noted by the dotted line extending across opening of the rib. The peripheral wall 88 is a sidewall and because nothing bulges beyond the peripheral wall 88, as illustrated in Figure 24, EP '638 does not disclose "a bottom face region formed of a curved surface continuous to said sidewall, and bulged toward the outside of said bottle container relative to said sidewall." Additionally, Figures 20 and 30 show similar cross sections completed by an imaginary extension of the peripheral wall, which nothings bulges beyond toward the outside of the bottle container. Thus, EP '638 does not disclose "a bottom face region formed of a curved surface continuous to said sidewall and bulged toward the outside of said bottle container relative to the sidewall."

Brocklehurst, similarly, does not disclose "a bottom face region formed of a curved surface continuous to said sidewall and bulged toward the outside of said bottle container relative to the sidewall." Rather, Brocklehurst discloses a "bottom end of a container 10 defined by a ring radial base section 16A on which the empty container can stand and which is flat, a central conical recessed section 18 directed into the center of the container and a restraining ring formation 20" (Brocklehurst col. 2 lines 56-60). Importantly, nothing bulges beyond the ring section 16A. Thus, Brocklehurst does not disclose "a bottom face region formed of a curved surface continuous to said sidewall and bulged toward the outside of said bottle container relative to the sidewall."

Therefore, because the Office Action alleges no articulated reasoning with some rational underpinning to support the legal conclusion of obviousness, combined with the deficiencies of EP '638 and Brocklehurst based on the foregoing, Applicants respectfully request withdrawal of the rejection.

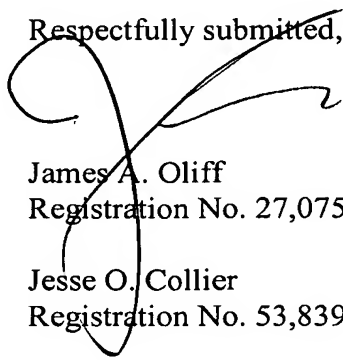
The Office Action rejects claims 3 and 4 under 35 U.S.C. §103(a) over EP '638 or Brocklehurst in view of U.S. Patent 4,372,455 (Cochran). Applicants respectfully traverse the rejection.

This rejection is premised upon the presumption that EP '638 or Brocklehurst would be obvious to one skilled in the art. Because, as discussed above, modifications to EP '638 or Brocklehurst would not be obvious to someone of ordinary skill in the art, the rejection is improper. Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Replacement Sheets

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